

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.G.  
**Mtg. Date** June 16, 2015  
**Dept.** Development Services

**Item Title:** **Approval of Vernon Ranch Final Map for Tentative Map TM0052 located at 7012 & 7024 Mount Vernon Street**

**Staff Contact:** [Tamara O'Neal, Interim City Engineer]

**Recommendation:**

Adopt a resolution (**Attachment A**) approving the Final Map for Tentative Map TM0052 and authorize the City Clerk to accept the Offer of Dedication identified on the Final Map. |

**Item Summary:**

On November 6, 2007, the City Council adopted Resolution No. 2748 (**Attachment B**) approving Tentative Map TM0052 for the 1.55 acre parcel located at 7012 & 7024 Mount Vernon Street in Lemon Grove.

Mt. Vernon – Lemon Grove, LLC, the owner of said parcel, has satisfied the conditions of approval for the proposed subdivision and requests approval of the Final Map for TM0052. The development is currently under construction. Performance bonds and subdivision agreements are in place to ensure that conditions of approval are met and the project is completed in the manner approved by the Planning Commission.

If adopted, the Resolution (**Attachment A**) will authorize the City Clerk to execute the Final Map and accept the Offer of Dedication.

**Fiscal Impact:**

For each new residential unit constructed, the City will receive \$2,310 in accordance with the Regional Transportation Congestion Improvement Program (RTCIP) and \$900 in parkland fees. The City is accepting one additional street light and roadway infrastructure in the form of additional street width on Mount Vernon Street that will require the expenditure of funds for routine maintenance and repair. All fees have been paid.

**Environmental Review:**

- |   |   |
|---|---|
| <input type="checkbox"/> Not subject to review          | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section | <input checked="" type="checkbox"/> Adopted MND ND07-07 |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Resolution
- B. Planning Commission Resolution No. 07-21



# Attachment A

## RESOLUTION NO. 2015 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING A FINAL MAP FOR TENTATIVE MAP TM0052

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**WHEREAS**, on November 6, 2007, the Lemon Grove City Council adopted Resolution No. 2748 approving Tentative Subdivision Map TM0052, as meeting the requirements of the City's Subdivision Ordinance and the California Subdivision Map Act; and

**WHEREAS**, the Final Map for Tentative Map TM0052 attached hereto as Exhibit 'A' has been submitted and meets the requirements as set forth in the California Government Code section 66433, et. Seq. and is now ready for approval by the City Council; and

**WHEREAS**, Mt. Vernon – Lemon Grove LLC, as the Developer of the project has paid all fees required by the conditions for processing of the Final Map; and

**WHEREAS**, the Director of Development Services and the City Engineer have found said Final Map of Tract No. 0052 substantially conforms to the conditionally approved Tentative Map, as required by the California Subdivision Map Act;

**WHEREAS**, the Mitigated Negative Declaration (ND07-07) was certified by City Council for Tentative Map No. 0052 on November 6, 2007.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California hereby finds:

1. The Final Map is consistent with the General Plan, the California Subdivision Map Act, and is in substantial conformance with the previously approved Tentative Map (TM0052); and
2. The Final Map for Tentative Map No. 0052 is hereby approved, and the City Clerk is authorized and directed to certify this fact on the face of the Final Map; and
3. Offer of the dedication of real property to the City identified on the Final Map are accepted by the City of Lemon Grove; and
4. Authorizes the City Clerk to record a certified copy of this resolution.

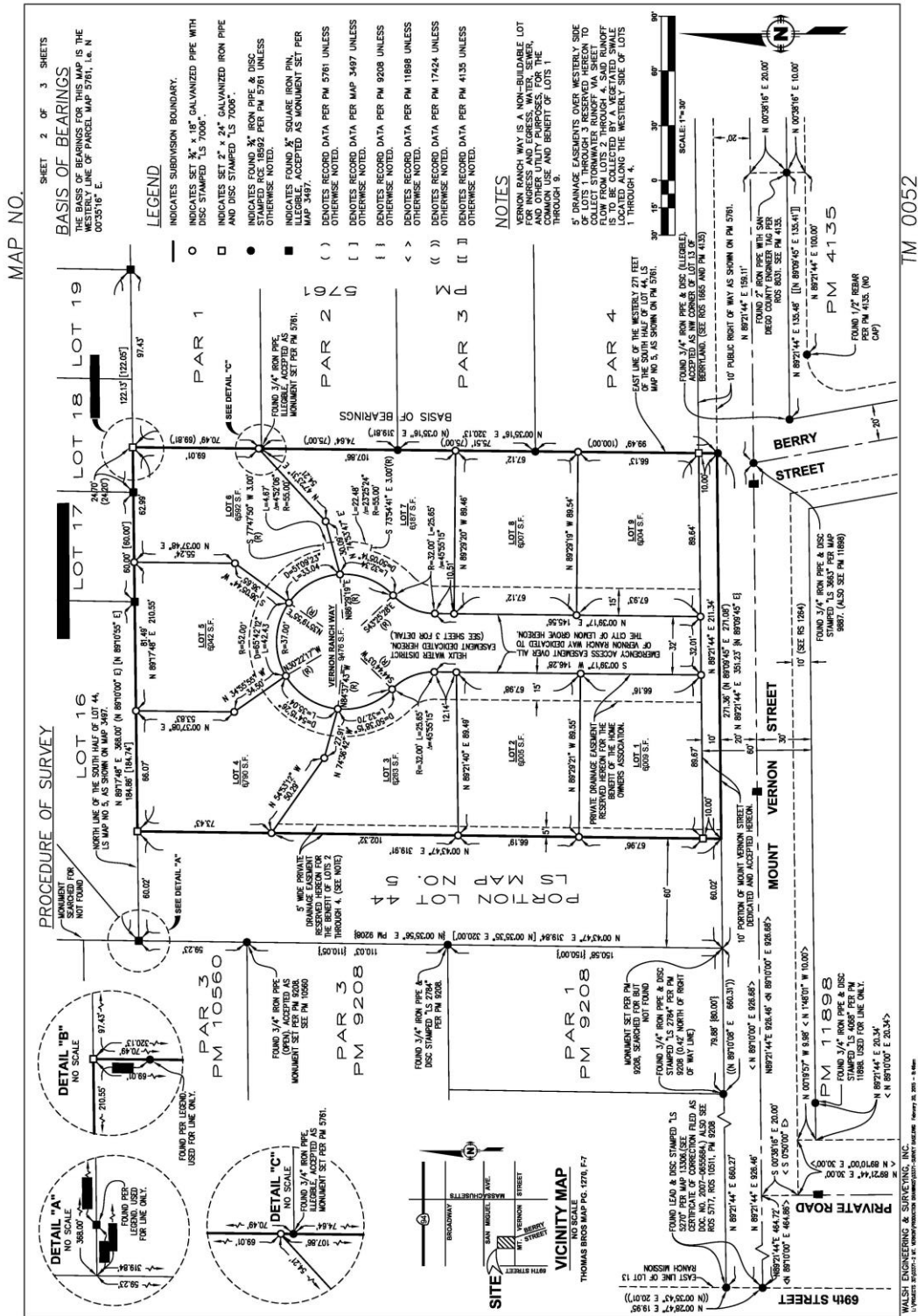
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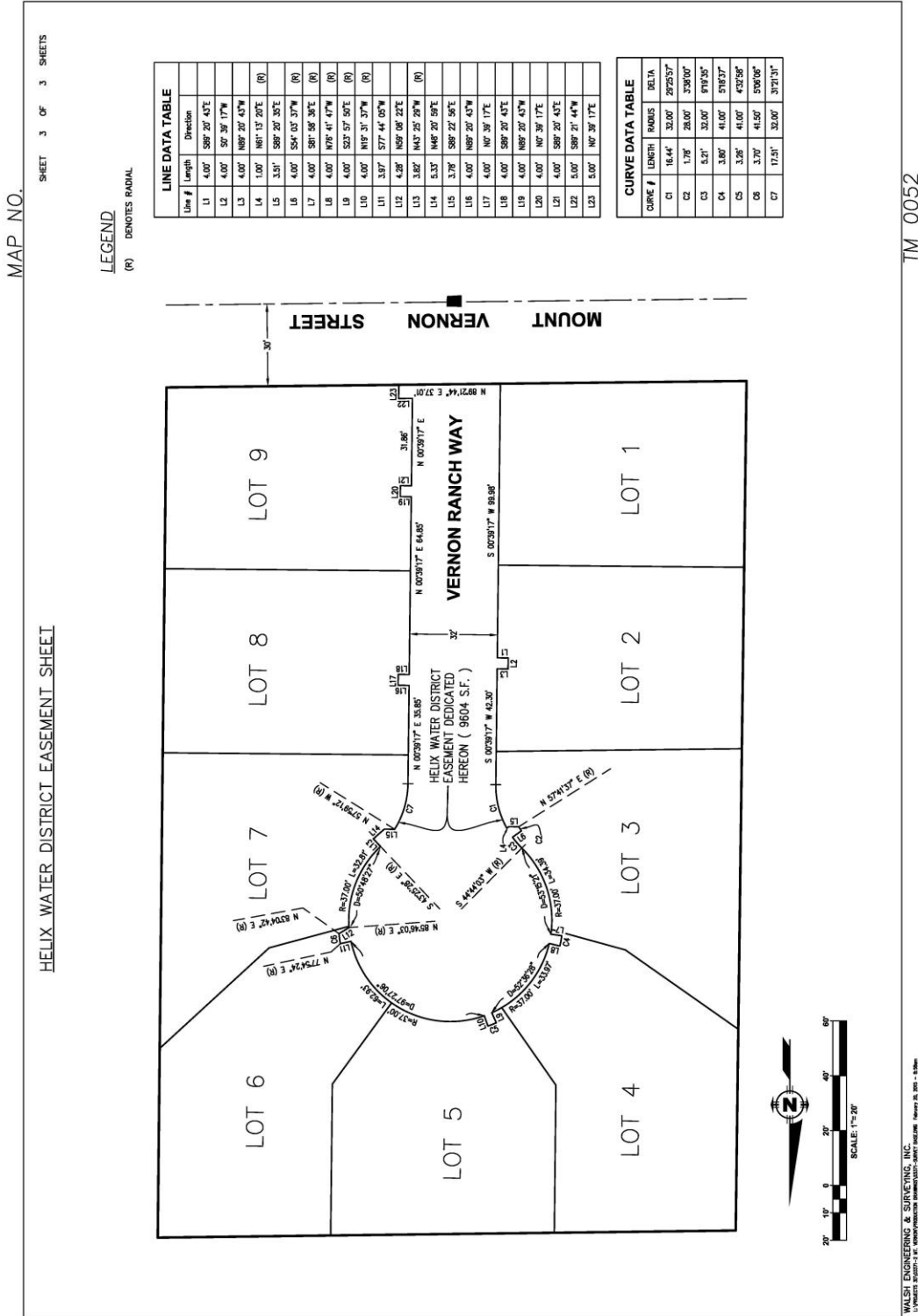
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# Attachment A

Exhibit A











## RESOLUTION NO. 2748

### **RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING TENTATIVE SUBDIVISION MAP TM0052 SUBDIVIDING 1.55 ACRES OF LAND INTO NINE LOTS AND A PRIVATE STREET AND CERTIFYING THE ATTACHED MITIGATED NEGATIVE DECLARATION (ND07-07) LOCATED AT 7012 & 7024 MOUNT VERNON STREET, LEMON GROVE, CALIFORNIA**

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**WHEREAS**, the applicant, Randall McManus, filed a complete application for a Tentative Map on August 9, 2007 to authorize the subdivision of 1.55 acres of land on two parcels into nine lots and a private street as part of a Planned Development for the construction of nine single-family residential dwelling units located at 7012 & 7024 Mount Vernon Street; and

**WHEREAS**, a Mitigated Negative Declaration of Environmental Impact (ND07-07) will be filed subsequent to its adoption and the approval of the proposed project; and

**WHEREAS**, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on September 24, 2007; and

**WHEREAS**, on September 24, 2007, the Planning Commission recommended that the City Council approve the proposed subdivision and planned development. The Planning Commission amended the resolutions of approval to include the following:

- New wooden fencing shall be required around the perimeter of the subdivision.
- The wood fence to be located along the western side of the subject property shall be limited to five-feet in height to the satisfaction of the Community Development Director.
- The existing utility pole located in the southeast corner of the subject property within the Mt. Vernon Street right-of-way is required to be placed underground.
- The fences located on the south side of Lots 1 and 9 shall be limited to 42 inches in height from the front property line a distance of 31 feet toward the rear property line of said lots and shall not exceed six feet in height beyond this point.

**WHEREAS**, a public hearing was duly noticed and held by the Lemon Grove City Council on November 6, 2007; and

**WHEREAS**, the City Council finds that the tentative map is consistent with the Lemon Grove General Plan because it proposes nine dwelling units at a density of 6.98 dwelling units per acre on 1.29 net acres of land in the Low/Medium Density Residential land use designation of the Lemon Grove General Plan which allows a maximum of seven dwelling units per net acre; and

**WHEREAS**, the City Council finds that the tentative map complies with the findings of fact required to approve this project because the project complies with the time limitations of the State Subdivision Map Act; the existing lots are legal lots; the proposed subdivision creates more than 5 lots; the proposed subdivision complies with the requirements of the Subdivision Ordinance; the map and design or improvements

are consistent with applicable general and specific plans; the site is physically suitable for the type of development and for the proposed density of development; and

**WHEREAS**, the City Council has considered said Tentative Map and recommendations of the Community Development Department, City Engineer, and the Lemon Grove Fire Department with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, and improvement and design standards of the City of Lemon Grove; and

**WHEREAS**, the City Council has also considered Planned Development Permit (PDP06-005), site, architectural and landscape plans dated received August 9, 2007 associated with Tentative Subdivision map TM0052; and

**WHEREAS**, in accordance with Section 16.12.280 of the Lemon Grove Municipal Code, the City Council finds that it is impractical for this subdivision to conform fully to the requirements of the Subdivision Ordinance because the proposed waivers result in a better project. Modifications granted as part of the approval of this project are found to conform to the spirit and purpose of the Subdivision Map Act and of the Subdivision Ordinance of the Lemon Grove Municipal Code; and

**WHEREAS**, the City Council has reviewed the design of the proposed subdivision and waives the following requirements of the City Zoning Ordinance in order to accommodate the proposed subdivision pursuant to Municipal Code Section 16.12.280 and Government Code Section 65915:

1. A modification of Section 17.16.020D3a (Minimum Front Yard) to allow the proposed lots to have reduced minimum front yards (ranging from 20 to 23 feet) as specified in the Development Code because said modification is necessary to allow for varied front yards, a unique streetscape design and increased private open space and rear yard areas; and
2. A modification of Section 17.16.020D2 (Minimum Lot Width and Depth) to allow lots 3 and 7 to have reduced minimum lot depths as specified in the Development Code because said modification is necessary to provide a private cul-de-sac street in the limited site area (90 feet is required, 79 feet is proposed); and
3. A modification of Section 17.24.050C1 (Screening) to allow six-foot high fences within the street side yard setback area along Mount Vernon Street for Lots 1 and 9 excluding the front 31 feet from the front property line to provide added privacy and security to the residents of said lots.

**WHEREAS**, the City Council hereby makes the following findings of fact:

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property has no environmentally protected resources as discussed in the Mitigated Negative Declaration; and
2. The proposed Tentative Subdivision Map (TM0052) is consistent with the Residential Low/Medium density land use designation of the Lemon Grove General Plan which allows a maximum of seven dwelling units per net acre. The project proposes nine dwelling units at a density of 6.98 dwelling units per acre on 1.29 net acres of land; and

3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed project; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public sewer services will be provided to the subdivision; and
5. The design of the subdivision or type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code, State of California; and
6. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the City of Lemon Grove Subdivision Ordinance except as specifically modified by the City Council; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lemon Grove, California, that the following be directed:

**SECTION 1.** Adopt the Mitigated Negative Declaration (ND07-07) finding that TM0052 and PDP06-005 would have no significant effect on the environment as mitigated; and

**SECTION 2.** Grant the following modifications of certain requirements of the City Subdivision Ordinance and General Plan in order to accommodate an aesthetically pleasing and desirable design of this project:

1. A modification of Section 17.16.020D3a (Minimum Front Yard) to allow the proposed lots to have reduced minimum front yards as specified in the Development Code because said modification is necessary to allow for varied front yards and a unique streetscape design. The developer requests a modification for reductions in the front setback (25 feet is required, 20 to 23 feet is proposed); and
2. A modification of Section 17.16.020D2 (Minimum Lot Width and Depth) to allow the proposed lots to have reduced minimum lot depth as specified in the Development Code because said modification is necessary to provide a private cul-de-sac street in the limited site area. The developer requested modifications for reductions in the lot depth (90 feet is required, 79 to 90 feet is proposed); and
3. A modification of Section 17.24.050C1 (Screening) to allow six foot high fences within the street side yard setback area along Mount Vernon Street for Lots 1 and 9 excluding the front 31 feet from the front property line to provide added privacy and security to the residents of said lots.

**SECTION 3.** Approve Tentative Map TM0052 and the grading, site, landscape and architectural plans dated received August 9, 2007 and incorporated herein by reference as Exhibit A, except as noted herein, subject to the following conditions which shall be complied with before a final map thereof is approved by the City Council and filed with the County Recorder of San Diego County.

**A. PRIOR TO ISSUANCE OF ANY GRADING OR IMPROVEMENT PERMIT:**

- 1) Obtain approval of all required discretionary permits for Tentative Map (TM0052) and Planned Development Permit (PDP06-005).
- 2) Submit and obtain approval of a Standard Urban Stormwater Mitigation Plan (SUSMP) for the proposed project to the satisfaction of the Water

Quality Program Coordinator and the City Engineer. The SUSMP shall be completed and approved prior to the issuance of any other permits.

- 3) Submit and obtain approval of the grading plan to the satisfaction of the City Engineer.
- 4) The subdivider shall submit improvement plans and specifications with applicable fees for improvements of all streets, access and drainage easements, culverts, drainage structures and drainage channels to the City Engineer for approval which includes off-site improvements (if applicable).
- 5) The improvement plans shall include a detail of the curb outlet to the satisfaction of the City Engineer.
- 6) If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the City Engineer to insure any damage to the existing roadway or other public improvements are repaired in a timely manner.
- 7) The applicant shall submit sewer lateral plans with the improvement plans. These sewer lateral plans shall be submitted in digital format and on paper copies to the satisfaction of the City Engineer.

**B. PRIOR TO APPROVAL AND RECORDATION OF A FINAL MAP:**

**Public Improvements**

- 1) The subdivider shall provide proof satisfactory to the Director of Public Health that there exists an adequate potable water supply available to each lot or parcel, and that the subdivider install or agree to install water supply pipes of a minimum six inches in diameter, provided that the City Engineer may require such other diameter of water supply pipe as may be recommended by Helix Water District.
- 2) Grade streets to grades and widths required by the City standards.
- 3) The existing utility pole located in the southeast corner of the subject property shall be removed. All existing overhead utilities located within the Mount Vernon Street right-of-way abutting the subject property shall be placed underground.
- 4) All new utility distribution facilities, including cable television lines, within the boundaries of any new subdivision or within any half street abutting the new subdivision shall be placed underground. The subdivider shall coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City Engineer. All proposed structures on the subject property shall connect to the utility systems via underground systems.
- 5) The subdivider shall construct or shall cause to be constructed, at no cost to the City, a street lighting system conforming to City standards.

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- 6) Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the City Engineer.
- 7) Provide construction improvement plans with applicable fees and construct the public improvements along Mount Vernon Street as proposed in the Grading and Landscape Plan to the satisfaction of the City Engineer prior to issuance of building permits. Improvement permit work shall include the full width replacement of the pavement section on the Mount Vernon Street frontage, public improvements shown on the Grading Plan within the City right-of-way and roadway easements, and other improvements incidental to the proposed street improvements as required and modified by the City Engineer.
- 8) Obtain an encroachment permit for the installation of private utilities and/or for grading work in/or adjacent to the public right-of-way.
- 9) The installation of gas, electric, sewer, and water lines and any other below surface utilities is required to take place before the installation of any concrete curbs, gutters, sidewalks, and surfacing of the streets (including repair or replacement).
- 10) The structural pavement section for the private street located on the subject property shall be based on the soils report prepared by a Geotechnical Engineer to the satisfaction of the City Engineer and consistent with the City of Lemon Grove Private Street Standards.
- 11) Sight distance requirements along streets and at all intersections shall conform to the intersectional sight distance criteria as provided by the American Association of State Highway Officials in the publication "Geometric Design for Local Roads and Streets 1971" or as revised.
- 12) All public streets curb return radii shall be a minimum radius acceptable to the City of Lemon Grove Fire Chief and City Engineer.
- 13) The subdivider shall provide the City Engineer with letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created. No letter will be required from the Pacific Bell Telephone Company.
- 14) Submit an Encroachment Maintenance and Removal Agreement to be reviewed and approved by the City Engineer for the work along Mount Vernon Street within the City right-of-way or roadway easements, to include, but not be limited to: planters, landscaping and irrigation, sidewalks and driveway approaches. The use of non-standard improvements within the City right-of-way along Mount Vernon Street will be required to be reviewed and approved by the City Engineer as part of the Encroachment Maintenance and Removal Agreement.
- 15) The developer/owner shall be required to repair and/or replace any damaged public improvements fronting the project.
- 16) On-street parking is allowed along one side of the proposed private street and along the Mount Vernon Street frontage west of the proposed private street. Parking will be prohibited along the Mount Vernon Street frontage east of the proposed private street for adequate vehicular line of sight or

as modified by the City Engineer. The prohibited parking area shall include signage and curb markings to the satisfaction of the City Engineer. The prohibited parking area shall be marked and posted "No Parking" and the appropriate curbs shall be painted red to the satisfaction of the City Engineer.

- 17) Dense fast growing landscaping shall be installed within the public right-of-way fronting Mount Vernon Street between the sidewalk and the south property lines of lots 1 and 9 to the satisfaction of the Community Development Director. No plant species over three and one-half feet in height shall be installed in the landscaped right-of-way along the Mount Vernon Street frontage east of the proposed private street to provide adequate vehicular line of sight to the satisfaction of the City Engineer.

### **Sanitary Sewer Service**

- 18) Each dwelling unit of the proposed subdivision shall be connected to a sewer of the Lemon Grove Sanitation District.
- 19) Backflow prevention devices for private building sewers shall be required pursuant to Section 710.0 of the CBC (2000 UPC).
- 20) Submit a copy of Title Report as required.
- 21) Obtain sewer permits and pay capacity fees for seven dwelling units or as modified by the Lemon Grove Sanitation District prior to building permit issuance.
- 22) The subdivider shall provide easements for all proposed sewer facilities as required by the Lemon Grove Sanitation District. The location of the proposed sewer facilities shall be as required by the Lemon Grove Sanitation District.
- 23) The sewer main on the proposed private road for this project shall be designated as private, not public as indicated on the plans. A combination private sewer, drainage and street maintenance agreement must be signed and notarized, then submitted for review and approval by the City Engineer. The agreement will be recorded as required by the City of Lemon Grove. The sewer system is required to be maintained and repaired by the Home Owner's Association for this development as required by the Lemon Grove Sanitation District.

### **Drainage Requirements**

- 24) The subdivider shall prepare construction plans and construct drainage facilities in accordance with the Drainage and Hydrology Study prepared for the project to the satisfaction of the City Engineer.
- 25) Provide the City with a final drainage/hydrology report indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit. On-site drainage shall be in compliance with the NPDES permit.
- 26) The Developer, Current and Future Property Owners shall adhere to the recommendations of the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared for this project to the satisfaction of the Water Quality Program Coordinator.

## Attachment B

- 27) The applicant shall in a manner meeting the approval of the City Engineer, design provisions for surface drainage and design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff. All necessary easements for storm drains shall be obtained and recorded on the final map.
- 28) Prior to issuance of building permits, incorporate best management practices including site design, source control and treatment, construction and on-going maintenance identified in the SUSMP and Drainage Report.
- 29) Prior to Final Map recording, a maintenance agreement for the maintenance of all onsite drainage improvements shall be established to the satisfaction of the City Engineer.

### Grading

- 30) The subdivider shall submit grading plans and a grading permit application to the City Engineer. Grading plans shall be prepared by a registered civil engineer and approved before or concurrently with the approval of the improvement plans. The developer shall submit an erosion and sediment control plan with construction Best Management Practices (BMPs) for review and approval by the Water Quality Coordinator which will be required to be abided by during grading activities.
- 31) Building permits shall be submitted with the grading plans for retaining walls where required. Except as noted in this condition, building permits shall be termed building permits for post-grading activities in the resolutions approving this project.
- 32) Submit a truck routing plan for grading activities concurrent with the submittal of the grading plan and grading permit application if required by the City Engineer.
- 33) The developer/owner shall submit an erosion control plan and irrigation plan with a sediment control plan to the satisfaction of the City Engineer.
- 34) The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
- 35) Certification that the as-built grading is consistent with Municipal Code Section 18.08.380 shall be submitted prior to issuance of building permits.
- 36) All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed prior to recording the final map.
- 37) Obtain a major grading permit from the City prior to any grading activities and recordation of the final map.
- 38) Provide the City with, upon completion of the grading, a compaction report from the geotechnical firm and a letter from a licensed civil engineer that the grading and elevations of the pad were done in accordance with the approved grading plans prior to the issuance of building plans.



- 39) Provide the City with, upon completion of the paving, a letter from the geotechnical firm or a licensed civil engineer that the structural pavement section was constructed in accordance with the geotechnical report prior to the issuance of final occupancy.
- 40) Prior to grading activities, grading plan approval and building permit issuance, a final soils report, with a recommendation for pavement thickness on all proposed paved surfaces, is required to be submitted, reviewed and approved by the Building Department and City Engineer.
- 41) The development and preparation of the site shall conform to the soils and geotechnical reports submitted to the City.
- 42) A designee of the applicant shall conduct a cultural resources records search and a Sacred Lands File search of the project area to determine if there is likelihood for on-site Native American cultural resources. A copy of a letter regarding the records search shall be provided to the Community Development Department prior to issuance of grading or improvement permits. The report shall provide recommendations for further analysis and those recommendations shall be implemented as a part of the mitigation measures.
- 43) If cultural resources are discovered during site preparation and/or grading, then any further work shall cease and programs and procedures shall be initiated as outlined in CEQA guidelines 15064.5.

### **Fire Protection**

- 44) The subdivider shall grant to the appropriate agency by recorded documents all required easements, specifically all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
- 45) Each dwelling unit in the development shall be protected with an approved NFPA 13D automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
- 46) The cul-de-sac and one side of the proposed private road shall be designated as a Fire Lane with no parking. Fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department along the private street within the project. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the appropriate curbs shall be painted red to the satisfaction of the City of Lemon Grove Fire District. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.
- 47) The project shall comply with all applicable provisions of the California Fire Code and the California Building Code.

### **Lighting**



- 48) A deposit sufficient to cover one year operation costs for the initial operation costs expended by the Lighting District for the subject property shall be submitted until the lots are placed on the Tax Assessor's yearly statement.
- 49) The street lights of the development shall become a part of the Lemon Grove Lighting District as required.
- 50) As-built drawings shall be submitted to SDG&E to energize all of the required street lights.
- 51) A formal written request to add street lights to the Lemon Grove Lighting District shall be submitted to the City of Lemon Grove Lighting District prior to permanent energizing.
- 52) Install the proposed street lights to the satisfaction of the City Engineer. Contact SDG&E for installation and billing requirements.

### **Final Map**

The final map shall show or provide for the following:

- 53) The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Community Development Director.
- 54) The final map shall include the entire area shown on the tentative map and shall not be filed as units. Lot numbering and design on the final map shall be in substantial conformance to that shown on the approved tentative map.
- 55) The final map shall indicate that this project is a development for nine single-family lots each with one dwelling unit.
- 56) The final map shall include the signature of the Community Development Director prior to recording.

### **Other**

- 57) A Homeowners' Association (HOA) shall be created to manage the Covenants, Conditions and Restrictions (CC&Rs). Said CC&Rs shall be submitted to the City for review and shall be written to the satisfaction of the Community Development Director and the City Engineer. The CC&Rs shall include the requirements of the Private Street, Sewer and Drainage Maintenance Agreement, the SUSMP and the Drainage Report approved for this project and all other HOA requirements to the satisfaction of the Water Quality Program Coordinator, City Engineer and Community Development Director and shall be recorded concurrent with the final map and shall include but not be limited to:
  - a. Best Management Practices (BMP's) and a Private Street, Sewer and Drainage Maintenance Agreement. The maintenance and the preservation of the natural drainage, private sewer and private street facilities shall be included in the CC&Rs. The Developer, Current and Future Property Owners shall adhere to the recommendations of the SUSMP, Drainage Report and CC&Rs approved for this project.

- b. HOA shall be responsible for the ongoing maintenance of landscaping and irrigation of slopes, parkways, and open space areas.
  - c. Immediate removal of graffiti is required.
  - d. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
  - e. All landscaping and other exterior site improvements on-site shall be well maintained at all times in substantially the same condition as approved in accordance with the approved site and landscape plans.
  - f. Maintain the drainage facilities and any access easements (where they occur) on the property.
  - g. Identify and implement the BMP's set forth in the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared for this project and state that the Developer, Current and Future Property Owners shall comply with the recommendations of the SUSMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer.
  - h. Funding of the long term maintenance of all facilities required by the SUSMP shall be included in the annual HOA budget.
  - i. A long-term operation and maintenance program (OMP) will be a requirement and the responsibility of the Homeowners' Association (HOA) to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
  - j. All garages shall be available for required off-street parking at all times. Parking in the cul-de-sac, along one side of the private street and along Mount Vernon Street adjacent to Lot 9 is prohibited.
  - k. Each lot shall be entirely landscaped, including rear and side yard areas, within one year of issuance of the certificate of occupancy.
- 58) The Declaration of Conditions, Covenants, and Restrictions (CC&Rs) shall clearly establish the responsibilities of the home owners with regard to the continuing maintenance and preservation of the buildings, driveways, public street, parkway, private street and drainage facilities (where they occur), slope banks, landscaping and irrigation. Said Conditions, Covenants and Restrictions shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall forbid amendments to the CC&Rs without express written consent of the City.
- 59) The subdivider shall comply with section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature; c) in the case of a street dedication affected by their existing easement, they will sign a "subordination certification" or "joint-use certificate" on the map when required by the governing body.

## Attachment B

In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.

- 60) The subdivider shall submit a title report for the property no more than 60 days in advance of the recordation of the Final Map to the City Engineer for review. The final map shall identify any easements indicated within the Title Report.
  - 61) All plans and technical studies required to be submitted to City of Lemon Grove Engineering Services Department for review and approval shall be prepared by a California Registered Professional Engineer or applicable utility provider.
  - 62) For any work within the public right-of-way, the subdivider shall secure an encroachment permit to work within the City right-of-way and place a special deposit with the City to ensure that any damage to the existing roadway or other public improvements is repaired in a timely manner.
  - 63) The subdivider shall provide easements for the maintenance of all proposed landscaped areas on-site as required by the City Engineer and Community Development Department.
  - 64) Prior to building permit issuance and recordation of the final map, submit a maintenance agreement for the on-going maintenance of the private street, sewer, drainage facilities, landscaping, fencing and other facilities as specified, reviewed and approved by the City Engineer and Community Development Director. This maintenance agreement shall be adhered to by the HOA and incorporated into the CC&Rs to the satisfaction of the Community Development Director and City Engineer.
  - 65) The subdivider shall provide the City Engineer with two reproducible Mylar copies of the final map for recordation.
- C. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other person, firms and corporations concerned with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:
- 1) All domestic water supplied for this subdivision shall come from the Helix Water District.
  - 2) All buildings constructed in this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District.
  - 3) The project shall comply with applicable provisions of the 2001 California Building Code which adopts the 1997 UBC, 2000 UMC, UPC, 2002 NEC & title 24 Energy Requirements.
  - 4) Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
  - 5) Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in

## Attachment B

compliance with the National Pollutant Discharge Elimination System (NPDES) permit to the satisfaction of the City Engineer.

- D. This approval of this tentative map will expire two years from the date of approval. The final map or maps conforming to this conditionally approved tentative map shall be filed with the City Council in time so that said Council may approve the map before this approval expires; unless prior to that date the Planning Commission or City Council subsequently grants a one-year time extension for obtaining such approval of said final map or maps as provided by the City Subdivision Ordinance.
- E. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project, City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.

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## Attachment B

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on  
November 6, 2007 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Clabby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary England	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
MARY TERESA SESSOM, Mayor

Attest:

  
SUSAN GARCIA, City Clerk

### CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby  
certify the foregoing to be a true and exact copy of Resolution No. 2748 duly passed and  
adopted by the City Council of said City on the date and by the vote therein recited.

\_\_\_\_\_  
SUSAN GARCIA, City Clerk